

107TH CONGRESS
1ST SESSION

S. 1069

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2001

Mr. LEVIN (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. JOHNSON, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Trails System
5 Willing Seller Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) In spite of commendable efforts by State
2 and local governments and private volunteer trail
3 groups to develop, operate, and maintain the na-
4 tional scenic and national historic trails designated
5 by Act of Congress in section 5(a) of the National
6 Trails System Act (16 U.S.C. 1244(a)), the rate of
7 progress towards developing and completing the
8 trails is slower than anticipated.

9 (2) Nine of the twelve national scenic and his-
10 toric trails designated between 1978 and 1986 are
11 subject to restrictions totally excluding Federal au-
12 thority for land acquisition outside the exterior
13 boundaries of any federally administered area.

14 (3) To complete these nine trails as intended by
15 Congress, acquisition authority to secure necessary
16 rights-of-way and historic sites and segments, lim-
17 ited to acquisition from willing sellers only, and spe-
18 cifically excluding the use of condemnation, should
19 be extended to the Secretary of the Federal depart-
20 ment administering these trails.

21 **SEC. 3. SENSE OF THE CONGRESS REGARDING MULTI-**
22 **JURISDICTIONAL AUTHORITY OVER THE NA-**
23 **TIONAL TRAILS SYSTEM.**

24 It is the sense of the Congress that in order to ad-
25 dress the problems involving multijurisdictional authority

1 over the National Trails System, the Secretary of the Fed-
 2 eral department with jurisdiction over a national scenic
 3 or historic trail should—

4 (1) cooperate with appropriate officials of each
 5 State and political subdivisions of each State in
 6 which the trail is located and private persons with
 7 an interest in the trail to pursue the development of
 8 the trail; and

9 (2) be granted sufficient authority to purchase
 10 lands and interests in lands from willing sellers that
 11 are critical to the completion of the trail.

12 **SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING**
 13 **SELLERS FOR CERTAIN TRAILS OF THE NA-**
 14 **TIONAL TRAILS SYSTEM ACT.**

15 (a) INTENT.—It is the intent of Congress that lands
 16 and interests in lands for the nine components of the Na-
 17 tional Trails System affected by the amendments made by
 18 subsection (b) shall only be acquired by the Federal Gov-
 19 ernment from willing sellers.

20 (b) LIMITED ACQUISITION AUTHORITY.—

21 (1) OREGON NATIONAL HISTORIC TRAIL.—
 22 Paragraph (3) of section 5(a) of the National Trails
 23 System Act (16 U.S.C. 1244(a)) is amended by add-
 24 ing at the end the following new sentence: “No lands
 25 or interests therein outside the exterior boundaries

1 of any federally administered area may be acquired
2 by the Federal Government for the trail except with
3 the consent of the owner thereof.”.

4 (2) MORMON PIONEER NATIONAL HISTORIC
5 TRAIL.—Paragraph (4) of such section is amended
6 by adding at the end the following new sentence:
7 “No lands or interests therein outside the exterior
8 boundaries of any federally administered area may
9 be acquired by the Federal Government for the trail
10 except with the consent of the owner thereof.”.

11 (3) CONTINENTAL DIVIDE NATIONAL SCENIC
12 TRAIL.—Paragraph (5) of such section is amended
13 by adding at the end the following new sentence:
14 “No lands or interests therein outside the exterior
15 boundaries of any federally administered area may
16 be acquired by the Federal Government for the trail
17 except with the consent of the owner thereof.”.

18 (4) LEWIS AND CLARK NATIONAL HISTORIC
19 TRAIL.—Paragraph (6) of such section is amended
20 by adding at the end the following new sentence:
21 “No lands or interests therein outside the exterior
22 boundaries of any federally administered area may
23 be acquired by the Federal Government for the trail
24 except with the consent of the owner thereof.”.

1 (5) IDITAROD NATIONAL HISTORIC TRAIL.—
2 Paragraph (7) of such section is amended by adding
3 at the end the following new sentence: “No lands or
4 interests therein outside the exterior boundaries of
5 any federally administered area may be acquired by
6 the Federal Government for the trail except with the
7 consent of the owner thereof.”.

8 (6) NORTH COUNTRY NATIONAL SCENIC
9 TRAIL.—Paragraph (8) of such section is amended
10 by adding at the end the following new sentence:
11 “No lands or interests therein outside the exterior
12 boundaries of any federally administered area may
13 be acquired by the Federal Government for the trail
14 except with the consent of the owner thereof.”.

15 (7) ICE AGE NATIONAL SCENIC TRAIL.—Para-
16 graph (10) of such section is amended by adding at
17 the end the following new sentence: “No lands or in-
18 terests therein outside the exterior boundaries of any
19 federally administered area may be acquired by the
20 Federal Government for the trail except with the
21 consent of the owner thereof.”.

22 (8) POTOMAC HERITAGE NATIONAL SCENIC
23 TRAIL.—Paragraph (11) of such section is amended
24 in the fourth sentence by inserting before the period

1 the following: “except with the consent of the owner
2 thereof.”.

3 (9) NEZ PERCE NATIONAL HISTORIC TRAIL.—
4 Paragraph (14) of such section is amended in the
5 fourth sentence by inserting before the period the
6 following: “except with the consent of the owner
7 thereof.”.

8 (c) PROTECTION FOR WILLING SELLERS.—Section 7
9 of the National Trails System Act (16 U.S.C. 1246) is
10 amended by adding at the end the following new sub-
11 section:

12 “(l) PROTECTION FOR WILLING SELLERS.—If the
13 Federal Government fails to make payment in accordance
14 with a contract for the sale of land or an interest in land
15 for one of the national scenic or historic trails designated
16 by section 5(a), the seller may utilize any of the remedies
17 available to the seller under all applicable law, including
18 electing to void the sale.”.

19 (d) CONFORMING AMENDMENT.—Section 10(c) of
20 the National Trails System Act (16 U.S.C. 1249(c)) is
21 amended—

22 (1) by striking paragraph (1); and

23 (2) by striking “(2) Except” and inserting “Ex-
24 cept”.

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